

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LARRY FITZPATRICK,)	
Plaintiff,)	
)	
v.)	Civil Action No.: 2:07-CV-528-WHA
)	
CITY OF MONTGOMERY, ALABAMA,)	
Defendant.)	May 30, 2008

PLAINTIFF'S WITNESS LIST

COMES NOW the Plaintiff, Larry Fitzpatrick, and pursuant to this Court's April 3, 2008, Order, hereby presents his List of Witnesses who will or may be called at the trial of this case.

A. Those who will be called include:

1. Plaintiff Larry Fitzpatrick.
2. Zella Fitzpatrick. 5137 Newbury Lane, Montgomery, AL. 334-612-0251. Plaintiff's spouse. Can testify to the effect that the City's discrimination had on Plaintiff Fitzpatrick in the proof of compensatory damages.
3. Robert Shuford. City of Montgomery Garage. Plaintiff's former supervisor. Mr. Shuford, a master mechanic, can testify to the fact that Plaintiff was a conscientious mechanic and that he was mistreated by supervisors at the City of Montgomery Garage. He can also testify that the City disciplined Mr. Fitzpatrick unfairly and that similarly situated Caucasian employees were not disciplined or were disciplined less severely. Finally, he can testify to the retaliation suffered by the Plaintiff and also that he, Mr. Shuford, suffered retaliation for testifying on behalf of Mr. Fitzpatrick at an administrative hearing.
4. Donald White. City of Montgomery Garage. Former Co-Worker. Mr. White can testify to Mr. Fitzpatrick's capabilities as a mechanic. He can also testify to tampering that occurred in the City Garage and that Garage supervisors did nothing to address the tampering issue. Mr. White can

also testify about one of the maintenance negligence issues, specifically the loose lug nut issue.

5. Gregory Johnson. City of Montgomery Garage. Former Co-Worker. Can testify to the race discrimination suffered by Mr. Fitzpatrick and also that he, Mr. Johnson, has suffered race discrimination and retaliation in his employment at the City Garage.

6. Rodney Hardy. City of Montgomery Garage. Former Co-Worker. Can testify to the race discrimination suffered by Mr. Fitzpatrick and also that he, Mr. Hardy, has suffered race discrimination and retaliation in his employment at the City Garage.

7. Charlie Crum. McGriff's Auto Repair, 1614 Bell Street, Montgomery, AL 334-262-4990. Former Supervisor. Mr. Crum, a certified master mechanic, can present opinion testimony regarding the three issues of which Plaintiff Fitzpatrick was accused. He can also testify to the racial climate at the City Garage.

B. Those who may be called include:

8. Mark Jordan. City of Montgomery Garage. Former Co-Worker. Can testify to the race discrimination suffered by Mr. Fitzpatrick and also that he, Mr. Jordan, has been mistreated at the City Garage.

9. Roy Wilson. City of Montgomery Garage. 334-241-2511. Former Co-Worker. Can testify to the race discrimination suffered by Mr. Fitzpatrick. Can also testify that African-American employees are disciplined more harshly than Caucasian employees at the City Garage. Can also testify that Caucasians are allowed to do things that African-Americans are not allowed to do.

10. Michael Moore. City of Montgomery Garage. Former Co-Worker. Can testify as an eye-witness to the incident between Mr. Fitzpatrick and Mr. Johnny Ray Smith that became the subject of an insubordination claim against Plaintiff. He can also testify about more favorable treatment of Caucasians over African-Americans in disciplinary situations.

11. Jerry Young. City of Montgomery Garage. Former Co-Worker. Can testify how African-Americans are mistreated in the workplace and are singled out for disciplinary action.

12. Royce Albright. City of Montgomery, Garage Superintendent. Plaintiff's second-level supervisor.

13. Eugene Knox. City of Montgomery, Assistant Director of the City Garage. Plaintiff's third-level supervisor.

14. Terry Gaddis. City of Montgomery, Director of the City Garage. Plaintiff's fourth-level supervisor.

15. Johnny Ray Smith. City of Montgomery, Former Co-worker. Caucasian comparator who has been treated more favorably in disciplinary actions than Plaintiff.

16. Montgomery Police Officer B. R. Floyd

17. Montgomery Police Lt. B. M. Rigsby

Any Witness on Defendant's Witness List

Any Witness needed for Impeachment or Rebuttal

Respectfully submitted, this the 30th day of May, 2008.

/s/ Joseph C. Guillot
JOSEPH C. GUILLOT (GUI011)
Attorney for the Plaintiff

OF COUNSEL:
McPHILLIPS SHINBAUM, L.L.P.
516 S. Perry Street
P.O. Box 64
Montgomery, AL 36101
(334) 262-1911
(334) 263-2321 fax

CERTIFICATE OF SERVICE

I hereby certify that this 30th day of May, 2008, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Wallace Mills, Esq.
City of Montgomery Attorney's Office
103 N. Perry Street, Room 200
Montgomery AL 36104

/s/ Joseph C. Guillot
OF COUNSEL